

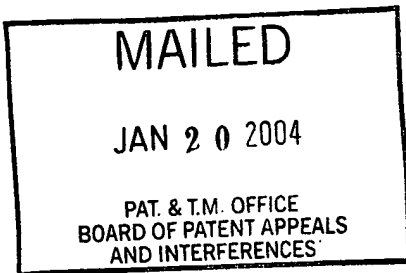
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SARANTHY RAJAGOPALAN

Application No. 09/465,131

ORDER RETURNING UNDOCKETED APPEAL



This application was received at the Board of Patent Appeals and Interferences on December 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

According to page 3 of the Examiner's Answer mailed August 25, 2003 (Paper No. 19), "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, it is noted that the language of claims 1 and 6 in the Appendix to the Supplemental Appeal Brief filed June 11, 2003 (Paper No. 18) differs from its last amended version. Specifically:

1. The marked version of the amendment to claim 1, ¶ 3, filed January 23, 2001 (Paper No. 9) lists:

a semiconductor die . . . is secured directly
to the upper surface

However, the Appendix to the Appeal Brief filed June 11, 2003 (Paper No. 18) for claim 1, ¶ 3, lists:

a semiconductor die . . . is secured¹ to an
upper surface [emphasis added]

2. The same problem as noted above regarding the word "directly" appears in claim 6, ¶ 4;

3. The marked version of the amendment to claim 6, line 1, filed January 23, 2001 (Paper No. 9) lists:

6. A thermal profiling device comprising:

However, the appendix to the Appeal Brief filed June 11, 2003 (Paper No. 18) for claim 6, line 1, filed January 23, 2001 (Paper No. 9) lists:

6. A thermal profiling device for a flip
-chip integrated circuit comprising:

It should be noted that wording "for a flip-chip integrated circuit" has not been added by a formal amendment. A new version

¹ (Please note that the word "directly" has also been omitted from the marked version.)

of these claims may only be entered upon submission of an amendment in proper form and on a separate paper, which must be approved by the examiner. Moreover, if the amendment is filed and entry is permitted by the examiner, a new Appendix to the Appeal Brief will need to be submitted which contains a correct copy of the claims on appeal. Currently, confusion exists as to which version of claims 1 and 6 is on appeal. Clarification regarding the status of these claims is required.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1. for clarification regarding the status of claims 1 and 6, and written notification to appellants as to which version of these claims is to be used in the Appendix to the Brief filed June 11, 2003 (Paper No. 18);
2. if appropriate, for notification to appellants to submit an amendment adding the wording "for a flip-chip integrated circuit" to claim 6;
3. if appropriate, for notification to appellants to submit a new Appendix to the Appeal Brief filed June 11, 2003

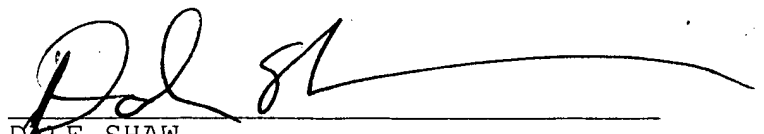
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(Paper No. 18) which contains a correct copy of the claims on appeal, in particular, claims 1 and 6; and

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:

A handwritten signature in dark ink, appearing to read 'Dale Shaw', is written over a horizontal line.

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ds/psb/lc
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